

**REMARKS**

Claims 1-76, 78-80, and 82-99 are pending in this application. The final Office Action mailed November 18, 2004 rejected claims 1-76, 78-80, and 82-99. Claim 82 has been amended in the present response for no other reason than to correct an informality, and no new matter has been added by this amendment. The pending claims are not otherwise amended in this response. For the reasons discussed in detail below, Applicants submit that the pending claims are patentable over the references cited by the Examiner. Applicants respectfully request that the Examiner pass this application to issue.

**Rejection of Claims Under 35 U.S.C. § 103**

The Office Action rejected claims 1-14, 16-21, 23-25, 29-30, 36, 39-40, 42, 48-50, 53-57, 61-63, 65-70, 73-76, 78-80, 84-89, and 94-97 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,420,866 to Wasilewski ("Wasilewski") in view of U.S. Patent No. 5,161,193 to Lampson et al. ("Lampson"). Applicants respectfully traverse this rejection.

Each of the independent claims (claims 1, 17, 36, 53, 61, 67, 73, 78, 86, and 97) includes an element that refers to selective encryption of a portion of data based on the format of that same data portion. For example, claim 1 includes "an encrypter configured to determine if the first portion of the data is to be encrypted based on a format of the first portion of the data, and if it is to be encrypted, to encrypt the first portion of the data." While the Office Action recognizes that Wasilewski fails to disclose these inventive elements, the Office Action contends that encryption of a portion of data based on the format of the portion is taught by Lampson, citing specifically to column 14, lines 44-68 of the reference.

However, Lampson merely discusses three different formats of transmitted *packets* based on the presence (or absence) of particular fields within transmitted packet's headers. It does not describe looking at the format of the first portion of the data to determine if the first portion of the data is to be encrypted. Rather, as described in Lampson, "the parsing of an outbound or loopback packet begins with two preliminary tests on packet request header bytes at the beginning

of the packet." See Lampson Col 13, lines 58-61. Lampson further notes that "if an FCS field is present in the packet or a cryptographic preamble is not present in the packet, there is no further cryptographic processing." Thus, Lampson looks to the packet headers bytes for the presence or absence of information, such as a mode value in the preamble to test whether to encrypt a different portion of the packet. See Lampson, Col. 13, line 59 through Col 14, line 1. Thus, Lampson does not selectively encrypt a data portion based on the format or data type of that **same data portion of the packet** (for example, whether the data portion includes multimedia data content, rather than nonpayload data). See Applicants' Specification (Brief Summary of the Invention) at page 9, lines 18-22. This is an important distinction! Lampson looks to different portions of the packet to make an encryption determination. Lampson does not look to the same portion of the packet to determine whether that same portion is to be encrypted. Thus, neither Lampson nor Wasilewski, alone or in combination, discloses or suggests such selective encryption of portions of data based on format of **the same portion** of the data. Therefore, for at least these reasons, independent claims 1, 17, 36, 53, 61, 67, 73, 78, 86, and 97 are patentable over the cited references and should be allowed to issue.

In regard to claims 2-14, 16, and 48-50; claims 18-21, 23-25, and 29-30; claims 39-40 and 42; claims 54-57; claims 62-63 and 65-66; claims 68-70; claims 74-76; claims 79-80 and 84-85; and claims 87-89 and 94-96, which depend from independent claims 1, 17, 36, 53, 61, 67, 73, and 86, respectively, these claims are allowable for at least the same reasons discussed above with respect to the independent claims and should be allowed to issue.

The Office Action further rejected claims 15, 26-28, 31-35, 37-38, 43-47, 52, 64, 71-72, 82-83, 90-93, and 99 under 35 U.S.C. § 103(a) as being unpatentable over Wasilewski and Lampson and in further view of U.S. Patent No. 5,991,399 to Graunke et al. ("Graunke"). The Office Action also rejected claims 22, 41, 51, and 58-59 under 35 U.S.C. § 103(a) as being unpatentable over Wasilewski and Lampson and in further view of Graunke and U.S. Patent No. 6,449,651 to Dorfman et al. The Office Action rejected claim 98 under 35 U.S.C. § 103(a) as being unpatentable over Wasilewski and Lampson and in further view of U.S. Patent No. 5,678,002 to Fawcett et al. Applicants respectfully traverse these rejections. Applicants submit that these dependent claims are

allowable for at least substantially the same reasons presented above with respect to the independent claims and should be allowed to issue.

**CONCLUSION**

By the foregoing explanations, Applicants believe that this response has responded fully to all of the concerns expressed in the Office Action, and believes that it has placed each of the pending claims in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone applicant's attorney at the number listed below.

Dated: January 18, 2005

Respectfully submitted,

By J. Wiegand  
Jamie L. Wiegand  
Registration No.: 52,361  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(206) 262-8900  
(212) 753-6237 (Fax)  
Attorneys/Agents For Applicant